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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Joint

(Assembly, Senate or Joint)

Committee on Audit...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
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- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (November 2012)



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: SENATOR CAROL ROESSLER AND REPRESENTATIVE SUZANNE JESKEWITZ

FROM: Pam Shannon, Senior Staff Attorney

RE: 2003 Senate Bill 478 and 2003 Assembly Bill 893, as Amended

DATE: March 5, 2004

This memorandum, prepared at your request, summarizes: (1) the provisions of companion bills Senate Bill 478 and Assembly Bill 893, relating to major highway projects, southeast Wisconsin freeway rehabilitation projects, and the transportation projects commission; (2) the companion amendments [Senate Amendment 1 and Assembly Amendment 1, respectively] adopted by the Joint Legislative Audit Committee; and (3) the companion amendments to those amendments [Senate Amendment 1 to Senate Amendment 1 to Senate Bill 478 and Assembly Amendment 1 to Assembly Bill 893], which you introduced subsequent to the hearing.

CURRENT LAW

Under current law, the Department of Transportation (DOT) administers the major highway projects program (defined, with limited exceptions, as a project having a total cost of more than \$5 million and involving either construction of a new highway of at least 2.5 miles, reconstruction or reconditioning of specified existing highways, or improvement of certain existing highways to freeway standards). Unlike other DOT highway construction projects, major highway projects must generally receive the approval of the Transportation Projects Commission (TPC) and the Legislature (a process referred to as "enumeration") before the project may be constructed.

Current law distinguishes and provides separate funding for southeast Wisconsin freeway rehabilitation projects, including reconstruction of the Marquette interchange in Milwaukee County. Because these southeast rehabilitation projects are specifically exempt from the definition of a major highway project, they are not required to be reviewed or approved by the TPC.

Currently, DOT submits a list of potential major highway projects to the TPC for study and recommendation by the TPC. The DOT may not begin preparing an environmental impact statement (EIS) or environmental assessment (EA) for a potential major highway project without TPC approval. Although DOT generally may not begin construction of a major highway project without approval of the

TPC and the Legislature, the Legislature may enumerate and approve the construction of major highway projects without approval of the TPC.

Under current law, membership of the TPC includes the governor (who serves as chairperson), three citizen members appointed by and serving at the pleasure of the governor, and five Senators (three from the majority party and two from the minority party) and five Representatives (three from the majority party and two from the minority party), appointed as are members of standing committees. The secretary of transportation serves as a nonvoting member.

BILLS AS INTRODUCED AND AMENDED

In the summary below:

- “Bill as introduced” refers collectively to Senate Bill 478 and Assembly Bill 893, as introduced.
- “Amendment” refers collectively to Senate Amendment 1 to Senate Bill 478 and Assembly Amendment 1 to Assembly Bill 893.
- “Amendment to the amendment” refers collectively to Senate Amendment 1 to Senate Amendment 1 to Senate Bill 478 and Assembly Amendment 1 to Assembly Amendment 1 to Assembly Bill 893.

1. Timing of TPC Project Approval

Bill as introduced: Prohibits the TPC from recommending approval of any major highway project prior to the completion by DOT, and review by the TPC, of a final EIS or EA that has been approved by the Federal Highway Administration.

Amendment: No change.

Amendment to the amendment: Eliminates the requirement that the TPC review the final EIS or EA prior to recommending approval of a project.

2. Project Enumeration

Bill as introduced: Prohibits the Legislature from enumerating any major highway project unless the TPC has recommended approval of the project, with or without modification.

Amendment: No change.

Amendment to the amendment: No change.

3. Creation of Change Management System

Bill as introduced: Requires DOT to develop and implement a change management system for providing fiscal and management oversight for all major highway projects and all southeast Wisconsin freeway rehabilitation projects.

Amendment: No change.

Amendment to the amendment: Modifies the change management system requirement for the southeast Wisconsin freeway projects to pertain only to southeast Wisconsin freeway *reconstruction* projects with a total cost of more than \$ 5 million, rather than to rehabilitation projects.

4. DOT Reports to TPC

Bill as introduced: Requires DOT to submit a report every three months to the TPC on the activities of DOT's change management system relating to major highway program projects and southeast Wisconsin freeway rehabilitation projects. The report must summarize the current status of each project approved by the TPC and each project enumerated and identify all actual and estimated project costs as of the date of the report. The project information must be reported on both a cumulative basis from the inception of the project and on an updated basis for the period since the previous report.

Amendment: Modifies the reporting interval to require DOT to report every *six* months instead of every three months.

Amendment to the amendment:

- Modifies the reporting requirement with respect to southeast Wisconsin freeway projects so that the requirement pertains only to southeast Wisconsin freeway *reconstruction* projects with a total cost of more than \$ 5 million, rather than to rehabilitation projects.
- Specifies that DOT must provide the TPC with any materials or documents prepared by DOT, except the department's recommendations, for use at a TPC meeting, at least five business days prior to the meeting.

5. TPC Membership

Bill as introduced: Increases the membership of the TPC by adding one additional Senator and one additional Representative, so that the membership would include six Senators and six Representatives (four of each from the majority party and two of each from the minority party).

Amendment: No change.

Amendment to the amendment: In addition to adding one Senator and one Representative, requires that one of the Senators on the TPC must be the chair of the Senate standing committee dealing with transportation matters and one of the Representatives on the TPC must be the chair of the Assembly standing committee dealing with transportation matters.

6. Approval of Certain Design Changes

Bill as introduced: No provision

Amendment: Requires that the TPC have an opportunity to review and approve certain project design changes proposed by DOT after a major highway project has been enumerated or approved, prior

to implementation of the design changes. The design changes subject to this requirement are changes that would upgrade:

- a. Any portion of the project from a highway to a freeway or expressway.
- b. Any portion of the project to increase the number of traffic lanes.
- c. Any at-grade intersection to an interchange.
- d. An interchange to accommodate higher-speed traffic.

Prior to implementing these changes, DOT must report the proposed changes, any reason for the changes, and the estimated project cost attributable to the changes to the TPC. The amendment provides for passive review of these changes by the TPC. If, within 14 days after the report's submission, the TPC does *not* notify DOT that it has scheduled a public hearing, DOT may implement the changes. Any member of the TPC may request a public hearing.

If, within 14 days, the TPC notifies DOT that a public hearing *has* been scheduled, the TPC must conduct the public hearing and, within 60 days of DOT's submission of the report, notify DOT of the proposed changes that the TPC approves, or approves with modifications, or notify DOT that it does not approve any of the proposed changes. If the TPC notifies DOT that a public hearing has been scheduled, DOT may not implement any proposed changes unless the TPC notifies DOT that the changes, with or without modifications, are approved.

Amendment to the amendment: Deletes the phrase "from a highway" in listed item a., above, because any major highway project upgraded to a freeway or expressway would be a highway.

7. Availability of DOT Information to Public

Bill as introduced: No provision.

Amendment: Requires that DOT make certain information available to the public, including making it available at no charge on DOT's Internet site, within specified time periods. The types of information and time periods for making the information available to the public are as follows:

- a. Any reports (such as the semi-annual reports on project status and costs) prepared by DOT for the TPC, within five business days of completion and transmittal to the TPC.
- b. Materials or documents prepared by DOT for a meeting of the TPC, at least five business days prior to the meeting.
- c. Any other information the TPC directs DOT to make available, within the time specified by the TPC.
- d. Any reports prepared by DOT for the TPC regarding proposed project design changes and any materials or documents prepared by DOT for use at a public hearing on design changes, on the 15th day after the report is submitted if no public hearing is scheduled and on the day of the hearing, at a time following the hearing, if one is scheduled.

Amendment to the amendment: Modifies those requirements to provide that, *notwithstanding the Open Records Law*, the following reports and other items prepared by DOT for the TPC must be made available to the public (including at no charge on the DOT Internet site) within the specified time periods:

- a. Any semi-annual report on the status and cost of projects, within five business days after completion and transmittal to the TPC.
- b. Any materials or documents prepared by DOT, *except the department's recommendations*, for use at a TPC meeting, *at least 24 hours prior* to the meeting.
- c. Any other information the TPC directs DOT to make available, within the time specified by the TPC.
- d. Any reports prepared by DOT for the TPC regarding proposed project design changes, on the 15th day after the report is submitted if no public hearing is scheduled and *at least 24 hours* prior to the hearing if one is scheduled.

Please feel free to contact me at the Legislative Council staff offices if you have any questions about this legislation.

PS:wu





WISCONSIN LEGISLATIVE COUNCIL

*Terry C. Anderson, Director
Laura D. Rose, Deputy Director*

TO: SENATOR CAROL ROESSLER

FROM: Pam Shannon, Senior Staff Attorney

RE: Assembly Substitute Amendment 1 to 2003 Assembly Bill 893 (Major Highway Projects and the Transportation Projects Commission)

DATE: March 10, 2004

This memorandum summarizes Assembly Substitute Amendment 1 [hereafter, "the Substitute Amendment"] to 2003 Assembly Bill 893, relating to major highway projects and the transportation projects commission. On March 10, 2004, the Substitute Amendment was introduced by Representative Suzanne Jeskewitz. The Assembly adopted the Substitute Amendment on a voice vote and passed the bill, also on a voice vote. The bill was immediately messaged to the Senate.

The Substitute Amendment contains the following provisions:

1. Timing of Transportation Projects Commission (TPC) Project Approval

The Substitute Amendment prohibits the TPC from recommending approval of any major highway project until the TPC has been notified that a final environmental impact statement or environmental assessment for the project has been approved by the Federal Highway Administration. This requirement first applies to major highway projects being considered by the TPC on the effective date of this provision.

2. Project Enumeration

The Substitute Amendment prohibits the Legislature from enumerating any major highway project unless the TPC has recommended approval of the project, with or without modifications.

3. DOT Reports on Project Status and Costs

The Substitute Amendment requires DOT to submit a report every six months to the TPC that does all of the following:

- a. Summarizes the current status of each project submitted by DOT that is under consideration by the TPC, including any project approved by the TPC, and of each project enumerated.
- b. Identifies all actual and estimated project costs for those projects, itemized by major cost categories, as of the date of preparation of the report. To the extent feasible, DOT must separately track and report the costs of environmental assessments, compliance, and mitigation.
- c. Reports the required information both on a cumulative basis from the inception of the project and on an updated basis for the period since the last report.

The first report must be submitted by February 1, 2005. These reporting requirements first apply to major highway projects enumerated, approved, or being considered by the TPC on the effective date of this provision.

4. Information DOT Required to Make Available

The Substitute Amendment requires that, notwithstanding the Open Records Law, DOT must make the following information available to the public, including available at no charge on DOT's Internet site, within the following time periods:

- a. Any report prepared by DOT for the TPC relating to project status and costs must be available within five business days of the report's completion and transmittal to the TPC.
- b. Any materials or documents prepared by DOT, except the department's recommendations, for use at a TPC meeting must be available at least two business days prior to the meeting.
- c. Any other information that the TPC directs be made available by DOT must be made available within the time specified by the TPC.

These requirements first apply to reports, materials, and documents prepared by DOT on the effective date of this provision.

5. Creation of Change Management System

The Substitute Amendment requires DOT to develop and implement a change management system for providing fiscal and management oversight for all major highway projects.

Please feel free to contact me at the Legislative Council staff offices if you have any questions about the Substitute Amendment.

PS:tlu

History of Assembly Bill 893

ASSEMBLY BILL 893

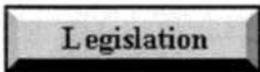
LC Amendment Memo

An Act to renumber and amend 13.489 (1) and 13.489 (1m) (a); to amend 13.489 (4) (a) 1. a. and b.; and to create 13.489 (4) (c), 13.489 (5) and 85.052 of the statutes; relating to: major highway projects, southeast Wisconsin freeway rehabilitation projects, and the transportation projects commission. (FE)

2004

- 02-23. A. Introduced by Representative Jeskewitz; cosponsored by Senator Roessler.
- 02-23. A. Read first time and referred to Joint Legislative Audit Committee 714
- 02-26. A. Fiscal estimate received.
- 02-26. A. Public hearing held.
- 02-26. A. Executive action taken.
- 02-26. A. Assembly amendment 1 offered by Joint Legislative Audit Committee 751
- 03-08. A. Assembly amendment 1 to Assembly amendment 1 offered by Representative Jeskewitz 801
- 03-09. A. Report Assembly Amendment 1 adoption recommended by Joint Legislative Audit Committee, Ayes 8, Noes 1 809
- 03-09. A. Report passage as amended recommended by Joint Legislative Audit Committee, Ayes 9, Noes 0 809
- 03-09. A. Referred to committee on Rules 809
- 03-09. A. Made a special order of business at 11:08 A.M. on 3-10-2004 pursuant to Assembly Resolution 38 817
- 03-10. A. Placed on the calendar of 3-10-2004 following Senate Bill 87.
- 03-10. A. Read a second time.
- 03-10. A. Placed on the calendar of 3-10-2004 following Assembly Bill 890.
- 03-10. A. Assembly substitute amendment 1 offered by Representative Jeskewitz.
- 03-10. A. Assembly substitute amendment 1 **adopted** .
- 03-10. A. Ordered to a third reading.
- 03-10. A. Rules suspended.
- 03-10. A. Read a third time and passed.
- 03-10. A. Representative Weber added as a coauthor.
- 03-10. A. Ordered immediately messaged.

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**Remarks of Senator Carol Roessler and
Representative Suzanne Jeskewitz
on Senate Bill 478 and Assembly Bill 893**

Speaker one:

Good morning and thank you for being here early on this busy day.

Before you today are companion bills--Senate Bill 478 and Assembly Bill 893--that we have introduced in response to recommendations contained in the Legislative Audit Bureau's recent evaluation of the Major Highway Program and in testimony the committee heard at its January 26th public hearing on the audit report.

Once again, we want to publicly acknowledge the thorough and professional job the Audit Bureau did in preparing this comprehensive report, as well as the cooperation of Secretary Busalacchi and his staff at the Department of Transportation during the audit process and in the development of this legislation.

The Audit report noted significant cost increases in the major highway program over the past ten years and cited several reasons for those increases, including inaccurate initial estimates of project costs, expansion of the scope of projects after initially designed, and high real estate costs.

The Audit Bureau found that because the cost of major highway projects increases after enumeration--sometimes significantly--the funding available to undertake future projects is reduced. In addition, the Bureau reported that DOT does not track the total cost of individual projects, which prevents a complete analysis of the program's finances, and that tracking changes to major highway projects is also difficult.

The Audit Bureau's recommendations regarding the major highway program addressed the need for:

1. Improving financial and project cost reporting.
2. Providing consistent information in project planning documents.
3. Consistently communicating changes in project design and scope so effects on costs can be monitored.

In developing these companion bills, we have been conscious of the need to require DOT to provide more complete information about project costs, while at the same time not overburdening them with reporting requirements that may divert time and attention from the actual management of these very complex projects.

After having the companion bills drafted, we had continuing discussions with the department and other interested parties. Yesterday, we had a companion simple amendment drafted to each bill to further refine our recommendations. A copy of the amendments should be at your places this morning. You also have a Legislative Council memo describing the bills, as amended.

Speaker two:

At this time I would like to describe the provisions of the bills, as amended.

1. Timing of TPC Project Approval. The bills, as amended, would prohibit the TPC from recommending approval of any major highway project until the DOT has completed, and the TPC has reviewed, a final environmental impact statement (EIS) or environmental assessment (EA) approved by the Federal Highway Administration.

Under current law, DOT submits a list of potential major highway projects to the TPC for study and recommendation by the TPC. DOT may not begin preparing an EIS or EA for a potential major highway project without TPC approval. However, there is currently no requirement that the TPC review the final EIS or EA before giving final approval to a project.

2. Project Enumeration. The bills, as amended, would prohibit the Legislature from enumerating any major highway project unless the TPC has recommended approval of the project. Currently, the Legislature sometimes enumerates and approves construction of major highway projects without approval by the TPC.

3. Creation of a Change Management System. The bills, as amended, would require DOT to develop and implement a change management system for providing fiscal and management oversight for all major highway projects and all southeast Wisconsin freeway rehabilitation projects, including the Marquette interchange project. DOT has indicated that they have already established this process for the southeast freeway rehabilitation projects.

4. Approval of Certain Design Changes. The bills, as amended, would require that the TPC be given the opportunity to review and approve certain project design changes proposed by DOT after a major highway project has been enumerated or approved, prior to DOT implementing the changes. The following design changes are subject to this requirement:

- a. Upgrading any portion of the project ~~from a highway~~ to a freeway or expressway.
- b. Upgrading any portion of the project to increase the number of traffic lanes.
- c. Upgrading any at-grade intersection to an interchange.
- d. Upgrading an interchange to accommodate higher-speed traffic.

Prior to implementing any of those changes, DOT must report the proposed changes, any reason for the changes, and the estimated project cost attributable to the changes, to the TPC for review. The bills provide for passive review by the TPC, similar to Joint Finance Committee review of certain items. If within 14 days of receiving the report, the TPC does not notify DOT that it has scheduled a public hearing on the proposed design changes, DOT may implement the changes. Any TPC member may request a public hearing. If a public hearing is scheduled, the TPC must conduct the hearing and, within 60 days of the report's submission, notify DOT of its approval of the design changes,

with or without modifications, or its decision not to approve any changes. The DOT may not implement any proposed project design changes required to be submitted to the TPC unless the TPC notifies DOT that the proposed design changes, with or without modifications, are approved.

5. DOT Reports to TPC. The bills, as amended, require DOT to submit reports to the TPC twice a year on the activities of the change management system created in the bills. The reports must summarize the current status of each project approved by the TPC and each project enumerated, and must identify all actual and estimated project costs as of the date of the report.

The project information included in the reports must be reported both cumulatively from the start of the project and also on an updated basis for the period since the previous report.

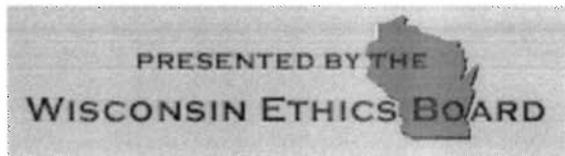
6. Availability of Reports to Public. The bills, as amended, would require DOT to make certain information available to the public, including making them available at no charge on DOT's Internet site, within specified time periods. The information generally includes reports, materials or other documents prepared by DOT for the TPC, and any other information the TPC asks to be made available. Reports relating to proposed project design changes must be made available on the 15th day after the report is submitted if no public hearing is scheduled and on the day of the hearing, at a time following the hearing, if one is scheduled.

7. TPC Membership. The bills, as amended, would increase the membership of the TPC by two members, adding one more senator and one more representative from the majority party, for a total of six senators and six representatives (four of each from the majority party and two of each from the minority party). Currently, there are five senators and five representatives on the TPC (three of each from the majority party and two of each from the minority party).

That concludes our summary of Senate Bill 478 and Assembly Bill 893. We would be happy to answer any questions.



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as of Monday, March 01, 2004

2003-2004 legislative session
Lobbyists licensed in 2003-2004

Select another lobbyist

Mc Coshen, William J

Owner

Capitol Consultants/Wimmer and Company
 22 N Carroll St, Ste 200
 Madison, WI 53703

Phone: (608) 258-8411

Fax: (608) 258-1578

E-mail: bill.mccoshen@capitolconsultants.net

License Issue Date: 1/8/2003

Organization(s) represented:

**Date authorized
to lobby**

**Date
authorization
withdrawn**

<u>American Association of Health Plans-Health Insurance Association of America</u>	2/13/2004	
<u>American Family Insurance Group</u>	1/10/2003	
<u>American Management Systems</u>	5/22/2003	
<u>Coalition for Lower Gas Prices Inc</u>	3/11/2003	
<u>Community Loans of America</u>	2/6/2004	
<u>Dairy Business Association</u>	1/13/2003	
<u>Development Association Inc, The</u>	1/13/2003	
<u>Georgia-Pacific Corporation</u>	1/29/2003	
<u>Hewlett Packard by Multistate Associates Inc.</u>	1/27/2003	
<u>Hoffman York</u>	2/12/2003	2/2/2004
<u>K12 Inc</u>	2/3/2003	
<u>Managed Health Services Insurance Corporation</u>	1/9/2003	
<u>MedCath Inc</u>	1/13/2003	
<u>Northwestern Mutual</u>	1/9/2003	
<u>Pfizer Inc</u>	1/9/2003	
<u>SBC-Wisconsin</u>	1/30/2003	
<u>Scientific Games International Inc</u>	5/19/2003	
<u>Snap-On Incorporated</u>	2/3/2003	
<u>Wal-Mart Stores Inc</u>	2/21/2003	
<u>Wisconsin Association of Distributors Inc</u>	1/31/2003	
<u>Wisconsin Public Service Corporation</u>	1/9/2003	
<u>Wisconsin State Attorney's Union</u>	4/2/2003	
<u>Wisconsin Transportation Builders Association</u>	1/9/2003	
<u>Wisconsin Wine and Spirit Institute</u>	2/3/2003	

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DOT expressed concern that the current language in the bill requiring biannual reports on each major and each southeastern freeway rehabilitation project would result in reports which included even minor resurfacing projects in the southeast. This problem is caused by the definition of rehabilitation, which includes resurfacing, reconditioning and reconstruction, each of which is defined in s. 84.013 (1) (b) (c) and (d). DOT argued it made little sense to report on resurfacing, or “applying a deck” as Randy characterized it.

One solution would be to strike the word “rehabilitation” on page 4, line 16 of the bill (this is in newly created s. 13.489 (5) 1. and add “reconstruction or major reconditioning” instead. These would have the definitions contained in s. 84.013 (b) and (c).

To further ensure that only large value projects are captured for the reports, the language could be further modified to limit these to reconstruction and major reconditioning projects with a total value of more than \$5 million, which is the amount included in the definition of a “majors” projects.



DOT Legislation

Originally stated goals (from 1-27-04 meeting notes):

- 1) Enumeration after FEIS and federal highway approval (some public input has already occurred)
- 2) Prohibit Legislature from enumerating a project that has not been approved by the TPC
- 3) Report to TPC Semi-Annually on update of projects by major cost category
- 4) Any cost increases over 10% must be approved by the TPC

4145/1 draft was result of this meeting

Changes discussed at ?? meeting:

- add two more members of the legislature to the TPC, for a total of six in each house – 4 majority and 2 minority members

4145/2 draft was the result of this meeting

Shared copy of the 4145/2 draft with DOT – they expressed concerns

Sue spoke with Randy Romanski by phone on 2/16/04:

DOT's comments on /2 draft –

- Fine with points one and two (final EIS and remove legis from process)
- Fine with semi-annual reporting, but mixed on what is to be reported -
 - **all actual and estimated costs by cost category is too burdensome
 - **thinks this gives TPC too much info
- Against prior approval of TPC for design changes
 - **changes can be simple – such as moving a road over by 5 miles due to environmental concerns, etc.
 - **need to define design changes
 - **does TPC need to make these decisions
 - **changes often made to accommodate local officials
 - **puts political pressure on the Legislative members of TPC
 - **change from 2 lanes to 4 – often a safety issue
 - **at grade vs interchange – work thru with local officials
- Not happy with Increases over 10% must be approved by TPC
 - **10% not very much

Sue stressed that her and Carol did not want to micro-manage the DOT. Sue asked Randy how we could compromise on the design change portion – could we enumerate only the types of changes that would need TPC approval? Asked Randy to bring a proposed list to **Wednesday's** meeting.

Randy mentioned the oversight committee for the Marquette Interchange project and how they met regularly to discuss all aspects of how the project was going – including to discuss design changes. Randy also mentioned that the TPC meets infrequently and thought that getting their approval would slow down projects.

Sue said that maybe they need to meet more often.

Sue also said that the 10% figure was negotiable. That it was picked out of the air because they needed some place to start the discussion. Also, if we modified how and what the TPC would need to approve, we might be able to take out altogether.

Meeting with Sec. Busalacchi, Randy Romanski,??, Carol, Sue, Karen, Jan, Joe, Bon B., Pam S. and Pam M. on 2/17/04 to discuss /2 draft:

- Randy discussed how the Marquette oversight committee worked and its membership (Randy, Deputy Rubin, all administrators, DOT budget director, Federal rep.)
- Reviewed conversation Randy had with Sue the day before
- Said that cost changes are always a trade off on up front engineering costs – may be cheaper to less up front, but will have to do later anyway?
- Decided to change draft to add the Change management system and take out TPC approval of design changes – including over-runs

4145/4 result of this meeting (/3 drafted incorrectly)

Major policy retained/changed from 4145/1 draft to 4145/4 draft based on originally stated goals:

- 1) Enumeration after FEIS and federal highway approval (some public input has already occurred)
Retained original goal
- 2) Prohibit Legislature from enumerating a project that has not been approved by the TPC
Retained original goal
- 3) Report to TPC Semi-Annually on update of projects by major cost category
Changed reporting frequency from semi-annually to quarterly* and no longer requires reporting by major cost categories
- 4) Any cost increases over 10% must be approved by the TPC
Changed – no longer in draft
- 5) Add two more members of the legislature to the TPC, for a total of six in each house – 4 majority and 2 minority members
New – not one of original goals
- 6) Add a change management system for major highway projects and southeast WI freeway re-habilitation projects
Modified goal - no longer requires TPC approval of design changes (after enumeration or approval)

Major cost overruns identified in audit:

- Real Estate
- Upgrade from highway to expressway to freeway
- At-grade intersections to interchanges
- Changes requested by state and local officials, advocacy groups, and concerned citizens
- Changing from 2-lanes to 4-lanes
- Higher-speed interchanges than originally planned



DOT Legislation

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→ Need list

Randy mentioned the oversight committee for the Marquette Interchange project and how they met regularly to discuss all aspects of how the project was going – including to discuss design changes. Randy also mentioned that the TPC meets infrequently and thought that getting their approval would slow down projects.

Sue said that maybe they need to meet more often.

Sue also said that the 10% figure was negotiable. That it was picked out of the air because they needed some place to start the discussion. Also, if we modified how and what the TPC would need to approve, we might be able to take out altogether.

Meeting with Sec. Busalacchi, Randy Romanski,??, Carol, Sue, Karen, Jan, Joe, Bon B., Pam S. and Pam M. on 2/17/04 to discuss /2 draft:

- Randy discussed how the Marquette oversight committee worked and its membership (Randy, Deputy Rubin, all administrators, DOT budget director, Federal rep.)
- Reviewed conversation Randy had with Sue the day before
- Said that cost changes are always a trade off on up front engineering costs – may be cheaper to less up front, but will have to do later anyway?
- Decided to change draft to add the Change management system and take out TPC approval of design changes – including over-runs

4145/4 result of this meeting (/3 drafted incorrectly)

Major policy retained/changed/add from 4145/1 draft to 4145/4 draft based on originally stated goals:

- 1) Enumeration after FEIS and federal highway approval (some public input has already occurred)
Retained original goal
- 2) Prohibit Legislature from enumerating a project that has not been approved by the TPC
Retained original goal
- 3) Report to TPC Semi-Annually on update of projects by major cost category
Changed reporting frequency from semi-annually to quarterly and no longer requires reporting by major cost categories*
- 4) Any cost increases over 10% must be approved by the TPC
Changed – no longer in draft
- 5) Add two more members of the legislature to the TPC, for a total of six in each house – 4 majority and 2 minority members
New – not one of original goals
- 6) Add a change management system for major highway projects and southeast WI freeway re-habilitation projects
Modified goal - no longer requires TPC approval of design changes (after enumeration or approval)

Major cost overruns identified in audit:

- Real Estate
- * Upgrade from highway to expressway to freeway
- * At-grade intersections to interchanges
- Changes requested by state and local officials, advocacy groups, and concerned citizens
- * Changing from 2-lanes to 4-lanes
- * Higher-speed interchanges than originally planned

What adjustments will be made to accommodate these changes?

Approved by TPC

*Jay #
DOT*



Posted Apr. 12, 2004

John Dipko column: Bill tightens watch over highway program

MADISON — Gov. Jim Doyle took action last week on dozens of bills that lawmakers passed shortly before they adjourned last month.

One in particular should help improve scrutiny over state transportation spending in the wake of a controversial state audit.

Assembly Bill 893, authored by GOP Rep. Suzanne Jeskewitz of Menomonee Falls and Sen. Carol Roessler of Oshkosh, makes several changes to add scrutiny over the state's major highways program.

Jeskewitz and Roessler, co-chairs of the Legislature's Joint Committee on Audit, crafted the bill in response to an audit last fall showing Department of Transportation spending on the program increased 69.5 percent over 10 years and totaled \$284.2 million in 2002-03.

Adding powers

The law sets up several technical changes, most of which deal with the state Transportation Projects Commission.

The commission reviews and recommends major highway projects for enumeration by the Legislature and governor.

One change says the commission can't add a project to the list without federal approval of an environmental assessment or impact statement — both of which can require costly accommodations.

Other changes add various reporting and review requirements and increase the commission's power.

In a written statement, Roessler highlighted the changes, including one requiring DOT leaders to review changes in major highway project costs, designs and timelines.

"Creating a change management system puts in place a professional team for financial and management oversight for all major highway projects," Roessler said. "The reporting requirements in this bill will make certain the department and the Legislature more closely scrutinize how taxpayer dollars are spent on transportation."

The bill passed the Assembly and Senate on a voice vote.

Cowles backs bill

State Sen. Robert Cowles, R-Allouez, a member of the audit committee, had proposed similar legislation in January. Later, he was added as a co-sponsor to the Assembly bill.

In addition to the audit, Cowles said an alleged bid-rigging scandal shows a need for strong oversight over the state's major highways program.

Federal bid-rigging charges were leveled in January against four Northeastern Wisconsin road construction executives over state projects exceeding \$100 million.

"A lot of transportation dollars are, I'd say, being wasted," Cowles said. "Having these various accounting measures put into law and reviewed periodically by the Legislature, I think we'll have a much tighter system than we've had."

Cooperation necessary

That assumes, of course, that all stakeholders — the Legislature and administration alike — cooperate and implement the changes, Cowles said.

"The entire Legislature, during the budget, will have more information to make decisions on," he said. "That's the goal. ... It's a whole different way of operating."

Call John Dipko at (608) 255-9254 or e-mail him at jdipko@greenbaypressgazette.com.



2/10/04 DOT Legis Mtg.

New words
"competitively"

- Busalacchi, Romanski

Carol, Karen, Jan, Joe, Pam, Don B.

Randy

- Marquette - oversight committee

- direct spent
- maj. changes

Randy, Dep. Rubin, all admin, Budget dir, Fed

- Reviewed conversation w/ Sue from 2/16/04

• Problems w/:

1) TPC approval for certain proj. chgs.

2) # 2 on page 2 - ID all actual & est. proj. costs, itemized by categories

- cost changes - always a trade off on up front eng. costs - may be cheaper to do less up front - but have to do later anyway?

- want to change 10%

* Change / 2 draft to:

- add a "Change mgmt system" to be applied to each project

(with a report to TPC qtrly?)

- shall

- SFP Editorial - JS today

- ? Add add'l member in each house to TPC from
↳ Panzer wants this

JAC

- ① Require TPC approval of cost inc.
- ② No enumeration w/o TPC approval
- ③ Bi-annual reporting
- ④ not specific

Cowels

report to TPC increases

Annual reporting
Environmental expenditures

sue
"Highlights the resp. of the TPC & prohibits legis from enumeration"
• Amendment to increase members
• Ainsworth? off bill?

- 2/25/04

3/2/04

DOT - wants to take out "major reconditioning" from

Don's language - Sue likes Don's language

• DOT says that "reconditioning" = "resurfacing"

• Believes this w/ls overkill

• More projects to report on

Tom Walker

• "Major projects" = adding capacity over a certain size

• Bill should only cover "Major" program - not any other projects.

<✓> - Change "rehabilitation" to "reconstruction"

<✓> - remove "review" from FEIS section

<✓> 2 addl members shall be Chairpersons of Assembly/Sent

Trans. Committee

<✓> Expressway language -

<✓> Avail ^{reports} on Internet (page 3) -

↳ post Agenda by 5 days in advance

↳ make materials avail 24 hrs B4 mtg.

↳ recommendation - not posted

Need fiscal estimate

Public Hearing

Co-Sponsorships?

Roessler - talked to Mary? - doesn't think it w/B a problem

→ If intro by Committee - need 2 mtgs

→ If Co-Chairs intro - only need 1 mtg

E-mail draft to DOT for feedback?

" " " Members for feedback?

assembly
Pan-Rm Tourism

300 NE

Karen

- Carol needs to leave by 2:00 - re: house

✓ - Sue - talked to Seratti

- Jim McSim - Family Cam

Vrakas - DC

Foti -

Leibham -

Cowles

Ainsworth

Roessler/Seskewitz

move into executive session
① Roll
② Unanimous consent to
introduce
LRBa 2408/1 and
2409/1

② motion to adopt amendments

③ vote -

④ motion to recommend
passage of bills as
amended

⑤ vote

① Highway - delete

② DOT - Change management - Rehab

③ Modify TPC gets

④ 2 New members - Transportation
Chair -